

1           **HOFLAND & TOMSHECK**  
2           Joshua Tomsheck, Esq.  
3           State Bar of Nevada No. 009210  
4           [josht@hoflandlaw.com](mailto:josht@hoflandlaw.com)  
5           228 South 4<sup>th</sup> Street, 1<sup>st</sup> Floor  
6           Las Vegas, Nevada 89101  
7           (702) 895-6760  
8           (702) 731-6910 facsimile  
9           *Attorney for Defendant*

10           **IN THE UNITED STATES DISTRICT COURT**  
11           **FOR THE DISTRICT OF NEVADA**

12           UNITED STATES OF AMERICA

13           Case No.: 2:20-cr-00276-GMN-EJY

14           Plaintiff,

15           vs.

16           DAVID HOWARD BABIT,

17           Stipulation and Order to Continue  
18           Sentencing and Disposition Date

19           Defendant.

20           IT IS HEREBY STIPULATED AND AGREED by and between Nicholas A. Trutanich,  
21           United States Attorney, and Bianca R. Pucci, Esq., Assistant United States Attorney, counsel for the  
22           United States of America, and Joshua Tomsheck, Esq., counsel for Defendant, DAVID HOWARD  
23           BABIT, that the Sentencing and Disposition currently scheduled for March 17, 2021 at 10:00 A.M. to  
24           a date and time to be set by this Honorable Court, but no sooner than sixty (60) days.

25           This Stipulation is entered into for the following reasons:

26           1. This is the first Sentencing and Disposition continuance request.  
27           2. The additional time requested herein is not sought for purposes of delay, but to allow Defense  
28           counsel additional time to visit and speak with Mr. Babit.  
29           3. Defendant is in custody and does not object to the continuance.  
30           4. The parties agree to the continuance.  
31           5. Additionally, denial of this request for continuance could result in a miscarriage of justice.

32           ///

HOFLAND & TOMSHECK  
228 SOUTH FOURTH ST, FIRST FLOOR  
LAS VEGAS, NEVADA 89101 • P: (702) 731-6910

6. For the above stated reasons, the parties agree that a continuance of the Sentencing and Disposition Date would best serve the ends of justice in this case.

DATED this 26<sup>th</sup> day of February 2021.

NICHOLAS A. TRUTANICH  
UNITED STATES ATTORNEY

*/s/ **Bianca R. Pucci***  
BIANCA R. PUCCI, ESQ.  
Assistant United States Attorney

/s/ ***Joshua Tomsheck***  
JOSHUA TOMSHECK, ESQ.  
Attorney for Defendant

**HOFLAND & TOMSHECK**  
228 SOUTH FOURTH ST., FIRST FLOOR  
LAS VEGAS, NEVADA 89101  
P: (702) 825-5760 : E: (702) 731-6611

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16                  DAVID HOWARD BABIT

17                  Stipulation and Order to Continue  
18                  Sentencing and Disposition Date

19                  Defendant.

20                  **FINDINGS OF FACT**

21                  Based upon the pending Stipulation of counsel, and good cause appearing therefor, the  
22                  Court hereby finds that:

23                  This Stipulation is entered into for the following reasons:

- 24                  1. This is the first Sentencing and Disposition continuance request.
- 25                  2. The additional time requested herein is not sought for purposes of delay, but to allow Defense  
26                  counsel additional time to visit and speak with Mr. Babit.
- 27                  3. Defendant is in custody and does not object to the continuance.
- 28                  4. The parties agree to the continuance.
- 29                  5. Additionally, denial of this request for continuance could result in a miscarriage of justice.
- 30                  6. For the above stated reasons, the parties agree that a continuance of the Sentencing and  
31                  Disposition Date would best serve the ends of justice in this case.

32                  // /

## ORDER

IT IS HEREBY ORDERED that the Sentencing and Disposition date in the above-captioned matter currently scheduled for March 17, 2021 at 10:00 A.M. be vacated and continued to the 26th day of May, 2021 at 10:00 A.M.

March

~~UNITED~~ STATES DISTRICT JUDGE

Respectfully Submitted By:

/s/ Joshua Tomsheck  
Joshua Tomsheck, Esq.  
Nevada Bar No. 009210  
Attorney for Defendant